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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,944	01/30/2002	Yoji Nishio	020100	4622

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EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3727

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,944

Applicant(s)

NISHIO ET AL.

Examiner

Tri M. Mai

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-- Th MAILING DATE of this communication appears on th cover sheet with th correspond nce address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 1-3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 4-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, "A seal-container tubular blank" is confusing. It is unclear whether the claimed subject matter is a blank or a container. It seems that the claim recite the blank. However, claim 5

In claim 4, line 5, the recitation "collapsing an opening edge part of the container bottom forming portion to a flat form" is confusing. The flat form shown in 8 occurs when the opening edge are sealed together.

In claim 5, the outer end projecting beyond outer end of the two other bottom panels occurs only in the folding process. However, in the final container, as set forth in the claim, this is no such structure.

Claim 4 defines a square cross section. However, claim 9 defines the panels having different widths. Wouldn't this make the container a rectangle instead of a square?

Claim Rejections - 35 USC § 102/103

2. Claims 4-7, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lisiecki (4546915). Lisiecki teaches container blank with a bottom-forming portion with 1st-4th bottom panels with respective contiguous rib forming portion below an apex of the V-shaped folding score as shown in Fig. 1. Note that the end closure can be used for both the top and bottom (col.5, lines 62).

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3. Claims 4-8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billberg (4655386) in view of either Mainz et al. (5143281) or Lisieck (4546915). Billberg meets all claimed limitations except for bottom structure with a contiguous rib. Either Mainz or Lisieck teaches that it is known in the art to provide a bottom structure with a sealed rib. It would have been obvious for one of ordinary skill in the art to provide the bottom structure in Billberg as taught by either Mainz or Lisieck to provide alternative bottom structure for the container.

4. Claims 4, 6, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ljungstrom et al. (5725147), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Ljungstrom in view of either Mainz et al. (5143281) or Lisieck (4546915). To the degree that only a blank being claimed. Ljungstrom teaches container blank with a bottom-forming portion with 1st-4th bottom panels with respective contiguous rib forming portion below an apex of the V-shaped folding score as shown in Fig. 1. It is noted that blank of Ljungstrom meet the structures of the claimed. With respect to the rib extending along the entire bottom, it is submitted that this structure does not exist in the claimed subject matter (blank). Furthermore, the blank in Ljungstrom can be folded in the intended manner.

Regarding claim 12, the step in claim 12 does not impart any structure over the blank in Ljungstrom.

5. Claims 4-6, 8, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ljungstrom in view of either Mainz et al. (5143281) or Lisieck (4546915). To the degree it is argued that Ljungstrom does not teach the claimed blank as set forth above, either Mainz or Lisieck teaches that it is known in the art to provide a bottom structure with a sealed rib. It

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would have been obvious for one of ordinary skill in the art to provide the bottom structure in Billberg as taught by either Mainz or Lisieck to provide alternative bottom structure for the container.

Regarding claim 12, the step in claim 12 does not impart any structure over the blank in Ljungstrom.

6. As best understood view of the 112 matter above, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Mainz or Anchor rejections as set forth above, and further in view of Holstrom (4267957). Either Mainz or Anchor rejection meets all claimed limitations except for the first width being smaller than a second width of the first and third bottom. Holstrom teaches that it is known in the art to provide a container with rectangular bottom. It would have been obvious for one of ordinary skill in the art to provide first width is smaller than a second width of the first and third bottom to provide the desired size for the container.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Anchor rejection, as set forth above in paragraph 5, and further in view of Anchor '144. It would have been obvious for one of ordinary skill in the art to provide the V shaped score lines in '272 as taught by '144 to provide the desired type of score lines for manufacturing the container easily.

Response to Arguments

8. Applicant's arguments filed 02/04/04 have been fully considered but they are moot in view of new grounds of rejections.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

T.M. Mai